Use of Genuine Software Policy

HEC – Microsoft Education Alliance

1   GENERAL

The Higher Education Commission is established with the aim of facilitating the higher education sector to serve as Socio-Economic Engines for the development of Pakistan. To augment its vision, HEC has always believed and encouraged technology as a tool to the higher education sector to leap-frog and catch up with the pace of socio-economic development of the developed world. HEC has always given special focus to Information Technology for the enablement and empowerment of higher education sector.

HEC being the facilitator and a role model organization for the higher education institutions, especially in ICT domain, intends to facilitate universities with quality services and facilities as to contribute in uplifting the overall standard of higher education. Almost all public sector HEIs have been given development funds at least once for the computerization and networking at their campuses and many of them are in 2nd or 3rd phases of technological advancement at their institutions. However, major emphasis and reasonable investments have been towards the infrastructural development and less on up-gradation of software technologies.

Though software and applications have been the critical components in order to get the overall setup operational of the campus computerization and networking infrastructure, but at most of the universities there have been no concrete plans or activities or focused approach towards continuously upgrade the operating system, software packages and applications in order to keep abreast with the pace of ever changing technological advancements and trends. Moreover, it has been observed that most of the software in use at a number of HEIs are not genuine/ licensed, and so are in clear violation of Intellectual Property law of Pakistan. In addition, it was felt very much that students at HEIs should have respect to Intellectual Property and also realize that soft skills, like software or application development can be a potential entrepreneurial avenue which can make a person the richest of the world for past three years.

HEC, therefore, introduced a concrete plan at national level and enforced use of genuine software through an initiative "HEC – Microsoft Education Alliance" while acquiring genuine/ licensed software and distributing them amongst the public sector HEIs. The project was run for three (03) years which fully funded by HEC as to establish the culture of technological advancements within HEIs. The success of the project has encouraged HEC to continue with this initiative on continuing basis as a regular program of HEC for HEIs on Cost Sharing basis. However, in order to curtail the cost, availing heavy discounts and maximize the benefits, HEC has approached Microsoft for direct contracting.

2   BACKGROUND

HEC has been following the continuous evolving and upgrade plan for the software as well as applications technologies as emerges from time-to-time. In 2003, HEC started with setting up its IT facilities based on Microsoft Windows 2000 server, which then upgraded to Windows

Server2003 in 2005. Further, in 2009 HEC commenced the migration/ transition to Windows Server2008R2 which was latest and most advanced in this domain, which reflects how the technological gap was narrowed within short span of time. It is further added that HEC is the only public sector organization in the country having such an advanced automation system in place which have been possible through implementation based on Microsoft Solutions including, but not limited to, Windows7, Windows Server 2008 R2, and Virtualization with HyperV technology, Unified Communication, Office SharePoint Server, and Microsoft Exchange etc. Since its successful rollout, not only at HEC Islamabad but at all the Regional Centers, the work efficiency has drastically improved as the communication within the organization and outside world is matter of fractions of seconds.

However, in order to implement similar strategy for all public HEC and prior to proceeding with HEC – Microsoft Education Alliance initiative, an online survey was conducted to collect the information related to the software, operating system (both client & and server) and other application software's that are in use at most of the public sector universities. The cumulative responses and trends found therein clearly indicated that the Microsoft products are widely used in academic and office environment at these HEIs. The Operating System for both, computers and servers, as well as office, exchange, database management, directory services and messaging services of Microsoft are amongst the top ranked products being used at these universities. For this reason, a procurement process was executed for the Provision of Licensed Software & Implementation Services, not only to purchase but actually deploy them at HEIs to an extent.

The prime objectives of this initiative also included paying respect to Intellectual Property. Moreover, the National Assembly has unanimously passed the Intellectual Property Organization of Pakistan Act, 2012 (IPO Act) on August 28, 2012, however earlier an IPO Ordinance was promulgated by the President of Pakistan on April 24, 2013 preserving the IPO Pakistan. Further, by virtue of its membership to the World Trade Organization (WTO), Pakistan is also signatory to the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). The TRIPS agreement obligates the Government of Pakistan to ensure adequate protection of Intellectual Property Rights in the country for domestic and international rights, holders alike. Failure to provide such protection can attract legal action against Pakistan in WTO Dispute Settlement Mechanism[1].

Software Piracy is Endemic – The software piracy by businesses that use unlicensed software, remained a serious problem during past many years. Pakistan has one of the highest software piracy rates in the world, at 86% (2011), with the commercial value of such unlicensed software rising to $278 million that year. Reducing piracy would not only help software copyright owners create a legitimate market, but would also lead to very positive economic benefits for Pakistan.

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[1] "National Assembly passes IPO Bill 2012", Business Recorder, October 09, 2012

3   DEFINITIONS

3.1   **Genuine Software** refers to the licensed software acquired through legitimate means and the right of use of software is granted by the software product manufacturer.

3.2   **CALs** is acronym of Client Access Licenses which refers to the licenses required to clients in order to access the respective server(s).

3.3   **MOC** refers to the Microsoft Official Curriculum which is offered by Microsoft under MSDN-AA subscription.

3.4   **MSDN** refers to Microsoft Developers Network.

3.5   **EAA** is the acronym of Education Alliance Agreement which in this policy document refers to HEC – Microsoft Education Alliance agreement signed for HEIs.

3.6   **IPO** refers to Intellectual Property Organization of Pakistan duly acknowledged by the National Assembly as an Act of Parliament of Pakistan.

3.7   **WTO** is an acronym of World Trade Organization of which Pakistan is a member country.

3.8   **PERN** is the acronym of the Pakistan Education & Research Network – a nationwide education and research network connecting premier education and research institutes.

3.9   **HEIs** refer to higher education institutions both public and private sector universities, centers of excellence, affiliated colleges, degree/ postgraduate colleges, etc.

4   PURPOSE OF DOCUMENT

The purpose of this document is to provide guidelines for the acquisition of Microsoft products and licenses to ensure the use of genuine/ licensed software in HEIs at the sectoral level across the country. Use of genuine software policy defines the financial obligations on HEC and HEIs part, and also various academic activities which are planned to be executed under HEC – Microsoft Education Alliance. The document though covers the policies primarily related to public HEIs, however it also defines the limited provision of support for private sector institutions as well. This document elaborates acquisition strategy, eligibility criteria, and funding model applicable under this policy.

5   HEC – MICROSOFT EDUCATION ALLIANCE

HEC signed a Strategic Education Alliance Agreement with Microsoft Corporation for HEIs in Pakistan. Through this arrangement, the desktop operating systems and server technologies were upgraded at all public HEIs with latest available software. Moreover, through the electronic license management system, students as well as faculty and staff have been given access to over 170 software for home use.

Moreover, all the HEIs having MSDN access are entitled for establishing Microsoft IT Academy at their respective institutes, whereas a model IT Academy has been established at HEC Regional

Center Lahore. Technology awareness roadshows, seminars and online events are organized for students, whereas faculty and IT administrators are provided Microsoft Official Curriculum (MOC) based trainings at the IT Academy. National Technology competition amongst the students are arranged at the regional as well as national level, winning team of which participates in the international Imagine Cup competition organized by Microsoft.

5.1 Education Alliance Scope

The scope of HEC – Microsoft Education Alliance can be defined in two (02) contexts, that are,

a) Purchase of genuine software on subscription basis from Microsoft through School Agreement, preferably directly from Microsoft, for HEIs against the total number of desktop/ laptop computers in use at HEIs having Microsoft products installed.

b) In return, Microsoft extends its technical expertise, directly and/ or through its partner, to promote the use of Microsoft products and helps students to learn how to develop software applications for various platforms. Microsoft also supports in entrepreneurial activities and helping students setting up start-up companies.

Since the Microsoft releases latest and advance software technologies at high frequency almost every two years, therefore a subscription based licensing is thought to be an appropriate approach for HEIs. This not only ensures that latest software products are available and used at HEIs at all times, but also it is a cost effective model devised by Microsoft specifically for education sector, which constitutes following obligations on Microsoft part at minimum;

5.1.1 Microsoft shall conduct formal trainings, seminars, workshops, roadshows, software competitions, and other such activities by engaging experts and industry leaders.

5.1.2 Microsoft shall extend its support towards curricula improvement by encouraging faculty members of HEIs to introduce Microsoft Official Curriculum.

5.1.3 Microsoft shall provide Faculty Connection codes to HEIs for the faculty members which will enable them to join the global community of academicians.

5.1.4 Microsoft shall engage its service partners and/ or premier services in order to provide technical assistance to solution deployment for HEIs.

5.2 Execution & Implementation

The project execution and implementation shall involve following activities which will be taken up by HEC for HEIs;

5.2.1 HEC shall acquire Microsoft products and licenses (i.e. Software and licenses), in bulk to have volume discount which may be in addition to the educational discount, through Direct Contracting mode of procurement as per the provision available in PPRA Rules 2004 (rev.), from Microsoft being the manufacturer and proprietor of Microsoft products and technologies.

a) The licenses shall be acquired on subscription model for every three (03) years, however payments shall be made on annual basis.

b) The number of licenses shall be determined based on the total number of desktop/ laptop computers in use, having Microsoft products installed, at HEIs.

5.2.2   HEC shall distribute or issue License Keys for both client and server software along with client access licenses (CALs) for HEIs as per their respective computer strength or per HEIs requirements.

5.2.3   HEC shall provide access to MSDN-AA account to each of the participating HEIs which will enable them to launch customized portal for all students to download genuine software.

6   ELIGIBILITY CRITERIA

6.1   All chartered public sector higher education institutions recognized by the Higher Education Commission, subject to signing of agreement with HEC. Such HEIs shall be entitle for funding support from HEC under the provision of this policy.

6.2   All constituent and affiliated colleges of public sector HEIs, subject to receipt of a formal request from parent or affiliating HEI and signing of agreement. However, such institutions are NOT entitled for any funding support from HEC under this policy.

6.3   All chartered private sector higher education institutions recognized by the Higher Education Commission, subject to signing of agreement with HEC. Private HEIs shall NOT be entitled for any funding support from HEC under this policy.

7   SOFTWARE DEPLOYMENT METHODOLOGY

Both HEC and HEI acknowledge that timely and proper implementation of the project requires project management and implementation services. Such services are to be provided to ensure the orderly and efficient delivery of software/ licenses, implementation of latest technologies, trainings for IT administrators, faculty members, and development sessions (both online or onsite) for students.

7.1   **HEC's Responsibilities**

7.1.1   HEC shall ensure that the latest and advanced Microsoft products are acquired and made available to HEIs.

7.1.2   HEC shall execute a centralized procurement through direct contracting as per the provision available in PPRA Rules 2004 (rev.).

7.1.3   HEC shall give access or issue software products' license Keys to HEIs corresponding to the number of desktop/ laptop computers determined for the particular HEI.

7.1.4   HEC shall coordinate with HEIs for the successful implementation and rollout of the selected software at the HEIs.

7.1.5 HEC shall coordinate with Microsoft concerned team(s) to organize extensive training programs, workshops, roadshows, software competitions, etc. for HEIs.

7.1.6 HEC may also hire services of Microsoft authorized partners separately for the deployment as well as other activities covered in this policy.

7.2 HEI's Responsibilities

7.2.1 HEI shall take the ownership of the program and the successful deployment of latest software technologies at their institutions.

7.2.2 For the onsite activities, like software deployment, roadshows, seminars, etc. as covered under EAA, HEI shall request HEC to schedule such activities at their premises, subject to possible adjustment in overall activity calendar for the year.

7.2.3 HEI shall ensure strong coordination with the stakeholders, viz. students, faculty, IT professionals, and management to avail maximum benefits of the Education Alliance to their respective institution.

7.2.4 HEI shall signing-off certificates against each activity performed at their institution by HEC and/ or Microsoft under this policy. This is so required to have complete record of activities with HEC and further improve the program in years to come.

7.2.5 HEI shall depute a dedicated resource(s) for the activities performed at their institutions while sending their nominations beforehand to HEC for coordination.

7.2.6 HEI shall allow the HEC, its selected implementer and/ or vendor including its employees/ professionals/ labors such reasonable access to the sites and people as it shall from time to time require to perform its obligations.

8 FINANCIAL MANAGEMENT

8.1 Budgeting (Income & Expenditure)

8.1.1 HEC shall maintain a separate budget head under Promotion of Research budget as maintained for the purpose.

   a) HEC is currently maintaining the same, however the title of budget head is to be renamed as "Genuine/ Licensed Software for HEIs" from "Higher Education Management Information"

8.1.2 Income part of corresponding annual budget shall have following lines items at minimum as income;

   a) Carry forward from previous fiscal year
   b) Contribution from HEIs towards their 50% share
   c) Government grant as 50% contribution

8.1.3 Expenditure part of annual budget shall have expenditure budget line items as follow;

a) Software & Licenses Costs
b) Deployment & Other Services Costs
c) Hardware Costs

8.1.4 HEC shall pay the costs of the program from the budget defined for the purpose and pay-off to the vendors/ implementers as per contract(s).

a) Payments against the genuine/ licensed software purchased directly from Microsoft shall be made to Microsoft in two (02) tranches.
b) Payments to Microsoft shall be made through wire-transfer or against the Letter of Credit issued to them after contract signing.
c) Payments to other vendors/ implementers shall be made as per the terms and conditions agreed upon in contract with them.

8.1.5 HEC may also engage or hire services for Third-Party Validation by having thorough evaluation on annual basis of the program.

8.2 Charges & Contributions

8.2.1 Education Alliance charges applicable to HEIs shall be governed by HEC through Licenses Subscription Plan(s).

8.2.2 HEC shall put its 50% share of the overall expenditure against the components defined above, as contribution towards deployment of latest and advanced technologies at HEIs. However, contribution shall,

a) be applicable to public sector chartered HEIs duly recognized by HEC.
b) NOT be applicable to the constituent or affiliated college, however HEIs may request additional licenses for the purpose on payment in full and in advance.
c) be restricted to initial number of licenses as determined based on enrolment numbers provided by HEIs to HEC for budget purposes for prevailing fiscal year.

8.2.3 HEIs shall pay their 50% share of expenditure cost(s) against the components defined above.

8.2.4 Private sector chartered HEIs duly recognized by HEC may however benefit from the Education Alliance program on payment in full and in advance as per applicable Licenses Subscription Plan(s).

8.3 Billing & Payments

8.3.1 HEIs joining the program shall be required to sign an Agreement with HEC for the issuance of Software & Licenses Keys and deployment services at their respective HEIs.

8.3.2 HEC shall invoice all HEIs having signed agreement as per the applicable cost defined in agreement;

8.3.3 Payments shall be made by HEIs to HEC annually and in advance.

a) Where applicable, the exchange rate between US$ and PKR shall the inter-bank rate ("in accordance with State-Bank rates") prevailing on invoice date.

9   COMPLIANCE AND NON-CONFORMITY CLAUSES

Once the connectivity is established and commissioned under this policy, Organization will be required to comply all terms and conditions elaborated in here; and any subsequent terms and conditions; amendments or addendums as time to time notified to the Organizations.

10   REVISION IN POLICY

This policy shall be regularly reviewed for possible revision, if deem necessary, in any eventuality in PERN infrastructure, resources and services. Amended texts shall be approved by the PERN Principal and shall be made publically available.